

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM BENSON,

Case No.: 2:20-cv-00853 (JS) (ST)

Plaintiff,

vs.

RUTTURA & SONS CONSTRUCTION CO., INC.,
OUR RENTAL CORP., and THOMAS RUTTURA,

Defendants.

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NOTICE OF PARTIAL MOTION TO DISMISS THE COMPLAINT
BY DEFENDANTS RUTTURA & SONS CONSTRUCTION CO., INC.,
OUR RENTAL CORP., AND THOMAS RUTTURA

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of its Partial Motion to Dismiss plaintiff William Benson’s (“Plaintiff”) Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), and upon all papers and proceedings had herein, defendants Ruttura & Sons Construction Co., Inc., Our Rental Corp., and Thomas Ruttura (collectively, “Defendants”), by and through their counsel Gordon Rees Scully Mansukhani, LLP, will move this Court before the Honorable Joanna Seybert, United States District Judge, in the United States District Court for the Eastern District of New York located at the Alfonse M. D’Amato Federal Building, United States District Court, 100 Federal Plaza, Central Islip, New York, 11722, on a date and time to be determined by the Court, for an Order dismissing the claims and allegations brought under N.Y. Exec. L. § 296, *et seq.* in the Complaint filed by Plaintiff, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that Plaintiff has failed to state a claim upon which relief can be granted, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT Pursuant to the Court Order filed on May 7, 2020 (Dkt. No. 11), answering papers, if any, shall be served no later than June 26, 2020 and reply papers shall be served no later than July 10, 2020.

Dated: June 8, 2020
New York, New York

Respectfully Submitted,

GORDON REES SCULLY
MANSUKHANI, LLP

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